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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 TANISHA MANUEL, individually, and on
11 behalf of all others similarly situated,

12 Plaintiffs,

13 v.

14 QUEST DIAGNOSTICS, INC.,

15 Defendant.

Case No. 2:06-CV-0946-KJD-PAL

ORDER

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17 Presently before the Court is Defendant's Motion to Strike Plaintiff's Demand for Jury Trial
18 (#13). Though the time for doing so has passed, Plaintiff has failed to file a response in opposition.

19 The Court has authority to order a jury trial on a motion for a party who has not filed a timely
20 demand for one. See Fed. R. Civ. P. 39(b). However, that discretion is "narrow," and does not
21 permit a court to grant relief when the failure to make a timely demand results from an oversight or
22 inadvertence. Pacific Fisheries Corp. v. HHI Casualty & Gen. Ins., Ltd., 259 F.3d 1000, 1002 (9th
23 Cir. 2001). In this case, Plaintiff filed a late demand for jury trial. Plaintiff has not responded to
24 Defendant's motion to strike with any grounds on which the Court could find that Plaintiff's failure
25 was the result of anything other than oversight or inadvertence. Therefore, in accordance with Local
26 Rule 7-2(d) and good cause being found, the Court grants Defendant's motion to strike.

1 Accordingly, IT IS HEREBY ORDERED that Defendant's Motion to Strike Plaintiff's
2 Demand for Jury Trial (#13) is **GRANTED**;

3 IT IS FURTHER ORDERED that the Clerk of the Court **STRIKE** Plaintiff's Demand for
4 Trial by Jury (#12).

5 DATED this 3rd day of November 2006.

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Kent J. Dawson
United States District Judge